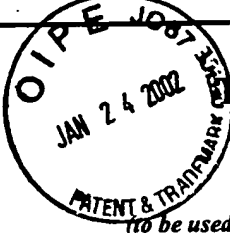
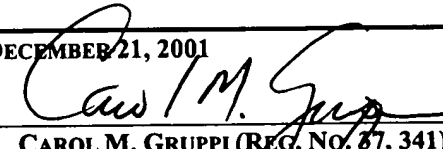
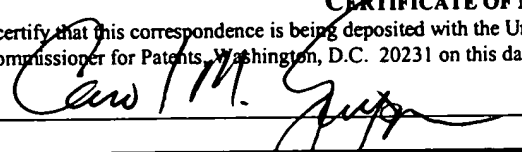


#4

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

 <b>TRANSMITTAL FORM</b> (to be used for all correspondence after filing) Total number of Pages in this submission 10	Application Number	09/966,982
	Filing Date	September 27, 2001
	First Named Inventor	Lori Jo Lehman
	Group Art Unit	1651
	Examiner Name	To be assigned
	Attorney Docket No.	AQ 2018.20

**Box: Missing Parts**  
Commissioner for Patents  
Washington, D.C. 20231

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> FEE TRANSMITTAL FORM (1 PG.) <input type="checkbox"/> FEE ATTACHED	<input type="checkbox"/> ASSIGNMENT PAPERS (COPY) (FOR AN APPLICATION)	<input type="checkbox"/> AFTER ALLOWANCE COMMUNICATION TO GROUP
<input type="checkbox"/> AMENDMENT/RESPONSE <input type="checkbox"/> AFTER FINAL <input type="checkbox"/> AFFIDAVITS' DECLARATION(S)	<input type="checkbox"/> DRAWING(S) <input type="checkbox"/> LICENSING-RELATED PAPERS	<input type="checkbox"/> APPEAL COMMUNICATION TO BOARD OF APPEALS AND INTERFERENCES
<input type="checkbox"/> EXTENSION OF TIME	<input type="checkbox"/> PETITION ROUTING SLIP (PTO/SB/60) AND ACCOMPANYING PETITION)	<input type="checkbox"/> APPEAL COMMUNICATION TO GROUP (APPEAL NOTICE, BRIEF, REPLY BRIEF)
<input type="checkbox"/> EXPRESS ABANDONMENT REQUEST	<input type="checkbox"/> TO CONVERT A PROVISIONAL APPLICATION	<input type="checkbox"/> PROPRIETARY INFORMATION
<input type="checkbox"/> INFORMATION DISCLOSURE STATEMENT W/1449	<input type="checkbox"/> POWER OF ATTORNEY, REVOCATION CHANGE OF CORRESPONDENCE ADDRESS	<input type="checkbox"/> STATUS LETTER
<input type="checkbox"/> CERTIFIED COPY OF PRIORITY DOCUMENT(S)	<input type="checkbox"/> TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S):
<input type="checkbox"/> RESPONSE TO MISSING PARTS/ INCOMPLETE APPLICATION	<input type="checkbox"/> SMALL ENTITY STATEMENT	COPY OF NOTICE TO FILE MISSING PARTS DATED 10/23/01 (2 PGS.); DECLARATION FOR UTILITY APPL. EXECUTED BY LEHMAN ET AL. (3 PGS.); REQUEST FOR CORRECTED FILING RECEIPT (2 PGS.); COPY OF FILING RECEIPT (1 PG.); AND RETURN POSTCARD.
<input checked="" type="checkbox"/> RESPONSE TO MISSING PARTS UNDER 37 CFR 1.52 OR 1.53 COPY OF PTO-1533	<input type="checkbox"/> REQUEST FOR REFUND	
<input type="checkbox"/> ISSUE FEE TRANSMITTAL <input type="checkbox"/>	REMARKS:	
<b>MCCUTCHEN, DOYLE, BROWN &amp; ENERSEN LLP</b> THREE EMBARCADERO CENTER, SUITE 1800 SAN FRANCISCO, CA 94111 TELEPHONE: (650) 849-4950 FACSIMILE: (650) 849-4800	DATE: <b>DECEMBER 21, 2001</b> BY:  <b>CAROL M. GRUPPI (REG. NO. 37, 341)</b> <b>ANTOINETTE F. KOSKI (REG. NO. 34,202)</b>	
<b>CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"</b> I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: <b>Box: Missing Parts, Commissioner for Patents, Washington, D.C. 20231</b> on this date: <b>December 21, 2001.</b> By:  Name of person signing: Carol M. Gruppi		

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**

COPY OF PAPERS  
ORIGINALLY FILED

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/966,982	09/27/2001	Lori Jo Lehman	AQ 2018.20

CONFIRMATION NO. 7317

## FORMALITIES LETTER



\*OC000000006954849\*

Antoinette F. Konski  
McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center, 18th Floor  
San Francisco, CA 94111

Date Mailed: 10/23/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

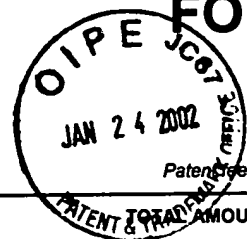
The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

#4

**FEE TRANSMITTAL  
FOR FY 2002**COPY OF PAPERS  
ORIGINALLY FILED

Patent fees are subject to annual revision.

Complete If Known

Application Number	09/966,882
Filing Date	September 27, 2001
First Named Inventor	Lori Jo Lehman
Examiner Name	To Be Assigned
Group Art Unit	1651
Attorney Docket No.	AQ 2018.20

AMOUNT OF PAYMENT

(\$130.00)

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

50-1189

Deposit  
Account  
Name

McCutchen Doyle Brown &amp; Enersen LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

- ☐
- Check
- ☐
- Credit Card
- ☐
- Money Order
- ☐
- Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
- 20** =	*	x	\$
Independent Claims - 3** =	*	x	\$
Multiple Dependent			\$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

\*\* or number previously paid, if greater; For reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	330	219	160	Notice of Appeal	
120	330	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) Corrected Filing Receipt

25.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$155.00)

**SUBMITTED BY**

Name (Print/Type)

Carol M. Gruppi

Antoinetta F. Kinski

Registration No.  
(Attorney/Agent)

37,341

34,202

Telephone

(650) 849-4902

(650) 849-4950

Signature

Date

12/21/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231. 52067685



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ORIGINALLY FILED

AQ 2018.20

Receipt  
\$  
#3

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231.

[ ] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner \_\_\_\_\_ at Facsimile No. \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Dated: December 21, 2001

Name of Person Certifying: Carol M. Gruppi  
Printed Name: Carol M. Gruppi

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:  
**Lori Jo Lehman et al.**

Serial No.: 09/966,982

Filing Date: September 27, 2001

For: NOVEL STRAIN OF STREPTOMYCES  
FOR CONTROLLING PLANT DISEASES

Assignee: AgraQuest, Inc.

Examiner: To Be Assigned

Group Art Unit: 1651

Office of Initial Patent Examination's  
Customer Service Center  
Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR CORRECTED FILING RECEIPT**

Sir:

Applicant respectfully requests that the Official Filing Receipt (PTO form 103P) for the above-identified patent application, a copy of which is attached with the correction marked in red ink, be corrected. The Filing Receipt contains an error in one of the inventor's names.

Please correct the Filing Receipt to read as follows:

Please change "Cai-yao Yuan" to -- Caiyao Yuan--.

- ☐ The correction is not due to any error by applicant and no fee is due. If for any reason a fee is found to be necessary, our Deposit Account No. \_\_\_\_\_ may be charged therefore. *A duplicate copy of this sheet is enclosed.*
- ☒ At least one of the above corrections is due to applicant's error and the fee under 37 CFR §1.19(h) of \$25.00 is paid as follows:
- ☐ Enclosed is Check No. \_\_\_\_\_ for \$25.00.
- ☒ Please charge Deposit Account No. 50-1189, Billing No. 23893-7180, in the amount of \$25.00 to cover the above-fees. *A duplicate copy of this sheet is enclosed.*
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1189, Billing No. 23893-7180. *A duplicate copy of this sheet is enclosed.*

DATE: December 21, 2001

Respectfully submitted,

By: \_\_\_\_\_

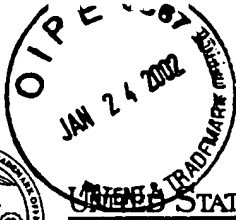
Carol M. Gruppi

Registration No.: 37,341

Antoinette F. Konski

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McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4902  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/966,982	09/27/2001	1651	1052	AQ 2018.20	9	39	2

CONFIRMATION NO. 7317

## FILING RECEIPT



\*OC000000006954848\*

Antoinette F. Konski  
McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center, 18th Floor  
San Francisco, CA 94111

Date Mailed: 10/23/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Caiyao

Lori Jo Lehman, Vacaville, CA;  
Randy Jay McCoy, Davis, CA;  
Cai-yao Yuan, Davis, CA;  
Denise Carol Manker, Davis, CA;  
Jimmy Ensio Orjala, Davis, CA;  
Pamela Gail Marrone, Davis, CA;  
Jorge Isaac Jimenez Santamaria, Sacramento, CA;

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OCT 27 2001

MDB&amp;E

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/671,943 09/27/2000

## Foreign Applications

If Required, Foreign Filing License Granted 10/23/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

RECEIVED  
NOV 1 2001

Novel strain of streptomyces for controlling plant diseases

Docket: 23893-7180  
Action: status check  
Date Due: 3/27/02  
Critical Date:  
Docketed By: JTB  
Attorney App.:  
Filed By:  
MCCUTCHEN, DOYLE, BROWN & ENERSEN, LLP